



**IN THE MATTER OF THE INJURY OF A MALE
WHILE BEING DETAINED BY MEMBERS OF THE RCMP
IN COQUITLAM, BRITISH COLUMBIA
ON DECEMBER 27, 2021**

**DECISION OF THE CHIEF CIVILIAN DIRECTOR
OF THE INDEPENDENT INVESTIGATIONS OFFICE**

Chief Civilian Director:

Ronald J. MacDonald, K.C.

IIO File Number:

2022-001

Date of Release:

October 5, 2022

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INTRODUCTION

In the early morning hours of December 27, 2021, RCMP members responded to a panicked 911 call from an individual working as a security guard at a Coquitlam construction site. Police were told that a drunk male was threatening two guards with a weapon. Upon arrival, officers located the Affected Person ('AP'), who lived close to the construction site, apparently intoxicated in the back laneway. They tried to detain AP to investigate the complaint against him, but he began to push past to return to his house. The Subject Officer ('SO') took AP down to the ground using a leg sweep, and AP was arrested for public intoxication, though he was then allowed to return to his home in the care of a sober relative. Because he was complaining of knee pain, an ambulance was called, but AP initially refused transport to hospital. He was subsequently found to have a broken leg, which was repaired surgically.

The Independent Investigations Office ('IIO') was notified and commenced an investigation. The narrative that follows is based on evidence collected and analyzed during the investigation, including the following:

- statements of two civilian witnesses, four first responders and three witness police officers;
- police Computer-Aided Dispatch ('CAD') and Police Records Information Management Environment ('PRIME') records;
- audio recordings of a 911 call and police radio transmissions;
- scene photographs; and
- medical evidence.

The IIO does not compel officers who are the subject of an investigation to submit their notes, reports and data. In this case, SO has not provided any account to the IIO. AP has also declined to engage with the IIO or provide any evidence.

NARRATIVE

At the time, AP lived at a residence across the back alley from a construction site. At about 4:00 a.m. on December 27, 2021, he approached two individuals who had been hired as 'security guards' for the construction site, and who had parked their unmarked personal vehicles in the snowy back alleyway. The guards were concerned by AP's approach and his questions, asking them what they were doing. They locked themselves in their vehicles and AP started banging on the window of one of the vehicles.

At 4:07 a.m., one of the 'guards' called 911, saying that AP was drunk and banging on his window. At one point in the call he yelled, "Oh fuck, he's got a rod!" and "He's fucking following for no fucking reason!" The 911 caller then fled in his vehicle to the other side of the construction site. Four police officers were dispatched in response to the call.

Witness Officer 1 ('WO1') told the IIO that when the officers arrived, he could see the two complainants on the far side of the construction site, and saw AP standing in the alleyway. WO1 said he found he could not cross the site to speak with the complainants, so came back to where he had left the other three officers with AP. He said that AP was now on the ground, with SO standing over him.

WO2 told investigators that AP appeared very intoxicated, but was not in possession of any weapon. He said he asked AP what was going on, and AP replied that "two brown guys" were breaking into the property, so he chased them. WO2 said that AP then told the officers, "Fuck you guys, I don't need to be here. I'm a good guy. I live right there. I'm at home. I'm leaving". WO2 told AP that he could not go home as he was drunk in a public place, and police were also investigating him for assault with a weapon. WO2 said that AP turned away and went towards SO, who told him, "You can't leave, you're under arrest for being drunk in public". WO2 described AP lifting his arms towards SO as if to push past him, and said that SO conducted a leg sweep, taking AP down onto the icy ground.

In spite of the fact WO3 was standing only about five to ten feet away, she told investigators that she did not see how AP ended up on the ground. She also stated that she did not hear anything said between AP and the other members.

When the officers helped AP up, he was complaining of pain in his knee and told them that he had been "protecting the neighbourhood" and was on his way home. Once his identity and home address were confirmed, the officers walked him over to his house, where he was left in the custody of a sober family member.

A little later that morning, another family member called for an ambulance, as AP was found to have a broken leg. However, AP refused to go with the attending paramedics. Subsequently, though, there was another call from the house and AP, who was now in great pain, was transported to hospital.

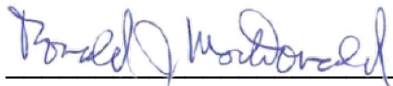
LEGAL ISSUES AND CONCLUSION

The purpose of any IIO investigation is to determine whether there are reasonable grounds to believe that an officer, through an action or inaction, may have committed any offence in relation to an incident resulting in serious harm or death. More specifically, the

issue to be considered in this case is whether SO may have committed an assault by using unjustified, unnecessary or excessive force against AP.

It may be that the two individuals who had been hired to provide security for the construction site could or should have reacted in a different manner to the approach of AP. The fact remains, though, that based on the 911 call, the responding officers understood they were dealing with a violent, threatening, intoxicated male who was likely armed with some sort of weapon. It would not have been appropriate for them to let AP leave without investigation. Meanwhile, it seems clear that AP did not perceive any reasonable justification for his detention by police. Unfortunately, those divergent perspectives led to the physical interaction that caused AP's injury. SO was lawfully entitled to use some force to ensure AP was detained, and it cannot be said that SO's act to put AP to the ground was excessive in these circumstances.

Accordingly, as the Chief Civilian Director of the IIO, I do not consider that there are reasonable grounds to believe that an officer may have committed an offence under any enactment and therefore the matter will not be referred to Crown counsel for consideration of charges.



Ronald J. MacDonald, K.C.
Chief Civilian Director

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